

*Bennet*

identifiable characteristics are viewable by the user.

**REMARKS**

The Office Action dated 04/18/02 has been reviewed and reconsideration in view of the amendments and/or remarks contained herein is respectfully requested.

The Examiner objected to Claims 1-6, 8-11, 13-16, and 18-20 because of various informalities. Accordingly, the Claims have been amended to overcome these objections. Applicant respectfully requests that the Examiner withdraw the objections to these claims in view of the amendments provided. Applicant has also clarified the use of "first state" and "second state" to more clearly represent the invention.

**Rejections under 102(b)**

The Examiner rejected Claims 1-4, 7-12, and 16-20 under 102(b) as being anticipated by a reference to Lyon '993. The Lyon reference provides a method of differentiating one tank from another through the use of bands, wrapped around the side of a cylindrical tank, that are manipulated by a user.

In order to hold that a reference is anticipated by a particular reference, patent law requires that the reference teach every element included in a claim. If an element is missing from the reference, there can be no anticipation. In

view of this requirement, Claims 5, 6, and 11 are not anticipated by the Lyon reference. Specifically, Claims 5 and 6 provide a plurality of articles packaged such that a first identifiable characteristic is aligned along one side of the packaging. The Lyon reference does not teach or suggest the use of packaging nor does it address the alignment of a plurality of articles with respect to a side of the packaging. Additionally, Claim 6 also provides that the exterior surface of the packaging, along which the first identifiable characteristics are aligned, be marked. This element is also missing from the disclosure of Lyon. Accordingly, these claims are not anticipated by the Lyon reference.

Claim 11 provides a means for changing the perception of the article by means of a chemical composition included in the material forming the article. The feature is not disclosed in the Lyon reference and, therefore, the Lyon reference cannot anticipate this claim.

With respect to independent Claims 1, 7, 12, 17, and their dependents, Claim 12 has been canceled, Claims 1, 7, and 17 have been amended to clarify the invention in view of the prior art and are now, therefore, allowable. Specifically, Claims 1 and 7 have been amended to clarify that the article has a plurality of surfaces and that a first surface has a first characteristic that identifies a first perception, while a second surface has a

second identifiable characteristic that identifies a second perception. The tank in Lyon utilizes a band that when the band's position is changed identifies a difference in the article, however, the patent does not teach or suggest that the tank have, a side of the tank having a first perception and a second side of the tank with a second perception utilized to differentiate tanks having different perceptions, as Claims 1 and 7 require.

Claim 17 has been amended to identify an embodiment of the present invention wherein a plurality of articles each have at least two identifiable characteristics and wherein the articles are to be utilized such that one end is viewable and that only a single characteristic is viewable on that end. The Lyon disclosure does not teach or suggest such an arrangement for the band Lyon utilizes. Accordingly, this claim is not anticipated in view of the Lyon reference.

Additionally, none of the above rejected claims are obvious in view of Lyon in combination with any of the other cited references, because none of the cited reference suggest the elements described above that are missing from Lyon. Accordingly, all of the claims rejected in view of Lyon should be deemed allowable and the rejections of these claims should be withdrawn, particularly in view of the amendments made herein.

Rejections under 103(a)

Further, the Examiner rejected Claims 5 and 6 under 103(a) as being obvious in view of Lyon and Claims 13-15 in view of Scot '763 combined with Lyon.

Applicant has amended Claims 5, 6, 11, 14, and 15 to further clarify the embodiment represented by each claim. Specifically, Claim 5 has been amended to place it in independent format and to clarify that the plurality of articles are packaged together in packaging that surrounds the articles on at least two sides and that the first identifiable characteristic is aligned along one side of the packaging, while the second identifiable characteristic is aligned along a second side. The Lyon reference cannot provide such a structure, since the bands that provide the identification surround the cylindrical articles.

Further, Claim 6 provides that the packaging have a marking on the exterior of the packaging on to indicate on which side the first identifiable characteristics are aligned. In this way, a user can open the packaging such that the first identifiable characters of all of the articles are viewable. This concept was not taught or suggested in the Lyon or Scot references. And although the Examiner states that the claiming of a plurality of articles is mere duplication, the usefulness of the concept currently claimed, is to differentiate one or more used articles from one or more new articles, and although the Lyon reference

discloses one way in which to differentiate whether a single tank is empty or full, it does not contemplate the idea of using its markings to control a plurality of tanks.

Amended Claim 11 provides a means for changing the perception of the article when the state of the article changes through use of a chemical composition. This concept was not disclosed in any of the cited references and, therefore, the reference cannot be said to render this claim obvious.

Claims 14 and 15 present a structure that is not taught in either the Lyon or Scot reference. Specifically, the claims have a two ended article having identifiable characteristics oriented upon the ends. The Lyon reference provides the identifier around the side of the cylinder and, therefore, this element is not met by the reference.

Accordingly, Applicant believes independent Claims 1, 7, and 17, as amended, and new Claims 21 and 22 are patentable in view of the cited references and accordingly respectfully requests that the claims be reconsidered and allowed upon such reconsideration. Additionally, Applicant believes that the remaining claims that are dependent upon the independent claims are further differentiated from the cited prior art based upon the amendments to the independent claims and are, therefore, allowable based upon those amendments as well as providing further limitations that render the claims allowable.

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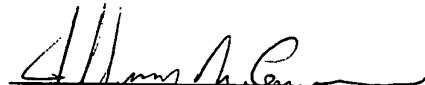
Respectfully submitted,

David E. Carlson

By his attorney,

Date

6/13/02

  
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**APPENDIX A: Support for Claim Amendments**

CLAIM AMENDMENT SUPPORT, 06/13/02  
**SN 09/580,853** filed 05/30/00  
Docket No. 81001/101/101  
page 14

The following amendments are sought for entry,  
underlined material added, bracketed parts deleted:

**IN THE CLAIMS**

1. **(Amended)** An article for easy identification, classification, and inventory tracking, [the improvement] comprising said article [having a first state and a second state], a first perception and a second perception for differentiating articles, [said first perception indicating said first state and said second perception indicating said second state] said article having a plurality of surfaces and said first perception being provided by a first identifiable characteristic located on one said surface and said second perception being provided by a second identifiable characteristic located on another of said surfaces.
  
2. **(Amended)** [An] The article according to Claim 1, wherein said article has a first state [is] as an unused article and a [said] second state [is] as a used article, and wherein said first characteristic identifies articles in said first state and said second characteristic identifies articles in said second

state.

3. **(Canceled)** [An] The article according to Claim 1, wherein said article has a plurality of surfaces and wherein said first perception is provided by a first identifiable characteristic located on one said surface and said second perception is provided by a second identifiable characteristic located on another of said surfaces.

4. **(Amended)** [An] The article according to Claim 3, wherein said first identifiable characteristic is a first color and said second identifiable characteristic is a second color.

5. **(Amended)** [An article according to Claim 1, wherein a] A plurality of [said articles are contained] articles comprising, a first perception and a second perception for differentiating articles, said articles packaged together in a package surrounding said plurality of articles on at least two sides [in bulk] and wherein said articles are aligned such that said first identifiable characteristics are aligned along one side of the packaging and said second identifiable characteristics are aligned along a second side of the packaging.

6. **(Amended)** [An] The article according to Claim 5, wherein the packaging encloses said articles with an exterior surface and wherein a portion of the exterior surface that is proximal to the alignment of said first identifiable characteristics contains a marking.

7. **(Amended)** An article comprising [a first state and a second state, and] a first perception and a second perception[, said first perception indicating said first state and said second perception indicating said second state], said article having a plurality of surfaces and said first perception being provided by a first identifiable characteristic located on one said surface and said second perception being provided by a second identifiable characteristic located on another of said surfaces.

8. **(Amended)** [An] The article according to Claim 7, wherein said first and second perceptions are incorporated into said article during manufacturing of said article.

9. **(Amended)** [An] The article according to Claim 7, wherein said first and second perceptions are incorporated into said article after the manufacturing of said article.

10. **(Amended)** [An] The article according to Claim 7, wherein said article further comprises a means for changing said first perception into said second perception when said article changes to a different state.

11. **(Amended)** [An] The article according to Claim 10, wherein said means for changing said first perception is comprised of [the] a chemical composition that changes said first perception into said second perception when said article changes to a different state, said chemical composition comprising [of] at least a portion of the material comprising said article.

12. **(Canceled)** An article having a first state and a second state, a first perception and a second perception, comprising:

a means for indicating said first state from said second state wherein said first perception indicates said first state and said second perception indicates said second state.

13. **(Amended)** [An] The article according to Claim 1[2], wherein said article is an elongated flourescent light bulb

having two ends and each said end having an end surface thereon.

14. **(Amended)** [An] The article according to Claim 13,  
wherein said first perception is provided by an identifiable  
characteristic located on one of said end surfaces.

15. **(Amended)** [An] The article according to Claim 14,  
wherein said first perception is provided by a first identifiable  
characteristic located on one of said end surfaces and said  
second perception is provided by a second identifiable  
characteristic located on said second end surface.

16. **(Amended)** [An] The article according to Claim 1[2],  
wherein said first identifiable characteristic comprises a  
symbol.

17. **(Amended)** A method for identifying, classifying, and  
inventory tracking goods capable of having at least a first state  
and a second state, the method comprising the steps of:

providing [at least one article] a plurality of  
articles [having at least a first state and a

second state]; and

providing each said article with a first perception indicating a [said] first state and a second perception indicating a [said] second state, said articles constructed to be viewed such that one end of each said article is viewable and that only one perception is viewable on said viewable end.

18. **(Amended)** [An article] The method according to Claim 17, wherein said article has a plurality of surfaces and wherein said first perception is provided by an identifiable characteristic comprising the shape of one of said surfaces.

19. **(Amended)** [An article] The method according to Claim 18, wherein the shape of said surface comprising said identifiable characteristic is a topographical change to said surface.

20. **(Amended)** [An article] The method according to Claim 18, wherein the shape of said surface comprising said identifiable characteristic is a change to the perimeter of said surface.